

REMARKS

The Office Action mailed February 5, 2003, has been carefully considered together with each of the references cited therein. The amendments and remarks presented herein are believed to be fully responsive to the Office Action. The amendments made herein are fully supported by the application as originally filed. No new matter has been added. Accordingly, reconsideration of the present Application in view of the above amendments and following remarks is respectfully requested.

CLAIM STATUS

Claims 1-20 are pending. By this amendment, Applicants have amended claims 1 and 12.

Specification

The Office finds the amendment filed 1/21/2009 objected to under 35 USC § 132(a) because it alleges the introduction of new matter into the disclosure. The Office is of the position that the limitation "without using the carrier gas stream" is not defined in the specification as originally filed. By this Amendment, page 2 of the Specification has been amended, eliminating the phrase "without the use of the gas carrier stream."

Claim Rejections Under 35 USC § 112, First Paragraph

Claims 1-15 stand rejected under 35 USC § 112, first paragraph as failing to comply with the written description requirement. The Office finds the limitation "the discharging of the liquid phase without using the carrier gas as defined in claim 1 is not present in the original filed specification or claims. By this Amendment, claim 1 has been amended, eliminating the phrase "without the use of a carrier gas stream."

Claim Rejections Under 35 USC § 103(a)

Claims 1-3, 7-18 and 20 stand rejected under 35 USC § 103(a) as being unpatentable over US 2002/0040662 to Dietz et al.

Claims 1, 4-6 and 19 stand rejected under 35 USC § 103(a) as being unpatentable over US 2002/0040662 to Dietz et al., in view of US 2002/0055619 to Dietz et al. This rejection is respectfully overcome.

The Office, in responding to Applicants' previous arguments states the following: "applicant argues that conjoint collision does not occur in the instant application. The Examiner respectfully submits that first such limitation is not in the claim."

By this amendment, independent claim 1 has been amended to recite that the two or more nozzles are not coaxially aligned so there can be no conjoint collision. With this amendment it is respectfully contended that the amended claims are patentably distinguishable from Dietz under 35 USC § 103 as both the Dietz et al references are sprayed through high pressure nozzles to a point of conjoint collision. This is directly antithetical to the purpose of the instant invention wherein it is specifically stated in the claims and page 2, lines 23-25 of the specification that the nozzles are not coaxially aligned so there is no point of conjoint collision.

As the Dietz et al. references can not satisfy this limitation of the independent claims. Further, no one with ordinary skill in the art be motivated to make such a modification of either or both of the Dietz et al references because such modification would require the ordinary artisan to invariably abandon the express teachings of the Dietz et al. references. Thus, is respectfully contended that the instant invention, as defined by the amended claims are not made obvious by any combination of US 2002/0040662 Dietz et al. or US 2002/0040662 to Dietz et al., in view of US 2002/0055619 to Dietz et al.

Attorney's Docket: 2002DE141
Serial No.: 10/532,565
Group: 1793

In view of the forgoing amendments and remarks, the present Application is believed to be in condition for allowance, and reconsideration of it is requested. If the Office disagrees, the Examiner is requested to contact the attorney for Applicants at the telephone number provided below.

Respectfully submitted,



Anthony A. Bisulca
Attorney for Applicant
Registration No. 40,913

(CUSTOMER NUMBER 25,255)

Clariant Corporation
Industrial Property Department
4000 Monroe Road
Charlotte, North Carolina 28205
Phone: (704) 331-7151
Fax: (704) 331-7707